

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VOITH PAPER GMBH & CO. KG,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-226-JJF
)	
JOHNSONFOILS, INC.,)	
)	
Defendant.)	

**PLAINTIFF VOITH PAPER GMBH & CO. KG'S RESPONSE
TO DEFENDANT JOHNSONFOILS, INC.'S COUNTERCLAIMS**

Plaintiff VOITH PAPER GMBH & CO. KG (hereinafter referred to as "Plaintiff") by and through its attorneys, hereby responds to Defendant JOHNSONFOILS, INC.'s (hereinafter referred to as "JOHNSONFOILS" or "Defendant") counterclaims, as follows:

THE PARTIES

1. Admitted.
2. Admitted.
3. Upon information and belief, Defendant's principal place of business is located at 4399 Corporate Road, Charleston, South Carolina 29405.

JURISDICTION AND VENUE

4. Plaintiff admits that jurisdiction and venue in this Court is proper, but denies Defendant's additional characterizations and other assertions.
5. Admitted.
6. Admitted.

BACKGROUND

7. Plaintiff admits that Defendant modifies paper forming machines. Plaintiff is without information or belief to affirm or deny the remaining allegations of paragraph 7 and therefore denies the same.

8. Plaintiff admits that it filed a Complaint alleging that JohnsonFoils infringes the Patents-in-Suit.

9. Plaintiff admits that the Patents-in-Suit were attached to the Complaint.

PLAINTIFF'S RESPONSE TO DEFENDANT'S FIRST COUNTERCLAIM FOR A DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE PATENTS-IN-SUIT

10. Plaintiff hereby incorporates its responses to paragraphs 1-9 of Defendant's counterclaims to Defendant's counterclaim paragraph 10 as if fully set forth herein.

11. No response to Defendant's paragraph 11 is required because it merely states a legal conclusion. To the extent that paragraph 11 is deemed to require a response, it is denied.

12. No response to Defendant's paragraph 12 is required because it merely states a legal conclusion. To the extent that paragraph 12 is deemed to require a response, it is denied.

13. No response to Defendant's paragraph 13 is required because it merely states a legal conclusion. To the extent that paragraph 13 is deemed to require a response, it is denied.

14. No response to Defendant's paragraph 14 is required because it merely states a legal conclusion. To the extent that paragraph 14 is deemed to require a response, it is denied.

15. No response to Defendant's paragraph 15 is required because it merely states a legal conclusion. To the extent that paragraph 15 is deemed to require a response, it is denied.

16. No response to Defendant's paragraph 16 is required because it merely states a legal conclusion. To the extent that paragraph 16 is deemed to require a response, it is denied.

**PLAINTIFF'S RESPONSE TO DEFENDANT'S SECOND COUNTERCLAIM FOR
A DECLARATORY JUDGMENT THAT THE PATENTS-IN-SUIT ARE INVALID**

17. Plaintiff's responses to Defendant's paragraphs 1-16 are hereby incorporated as if fully set forth herein.

18. No response to Defendant's paragraph 18 is required because it merely states a legal conclusion. To the extent that paragraph 18 is deemed to require a response, it is denied.

19. No response to Defendant's paragraph 19 is required because it merely states a legal conclusion. To the extent that paragraph 19 is deemed to require a response, it is denied.

20. No response to Defendant's paragraph 20 is required because it merely states a legal conclusion. To the extent that paragraph 20 is deemed to require a response, it is denied.

21. No response to Defendant's paragraph 21 is required because it merely states a legal conclusion. To the extent that paragraph 21 is deemed to require a response, it is denied.

**PLAINTIFF'S RESPONSE
TO DEFENDANT'S THIRD COUNTERCLAIM: PATENT MISUSE**

22. Plaintiff's responses to Defendant's paragraphs 1-21 are hereby incorporated as if fully set forth herein.

23. Denied.

24. Denied.

25. To the extent that this allegation relates to an assertion of fraud and/or inequitable

conduct, it is insufficient under Fed. R. Civ. P. 9(b). Otherwise, paragraph 25 is denied.

26. To the extent that this allegation relates to an assertion of fraud and/or inequitable conduct, it is insufficient under Fed. R. Civ. P. 9(b). Otherwise, paragraph 26 is denied.

27. To the extent that this allegation relates to an assertion of fraud and/or inequitable conduct, it is insufficient under Fed. R. Civ. P. 9(b). Otherwise, paragraph 27 is denied.

28. To the extent that this allegation relates to an assertion of fraud and/or inequitable conduct, it is insufficient under Fed. R. Civ. P. 9(b). Otherwise, paragraph 28 is denied.

29. Denied.

PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUESTED RELIEF

WHEREFORE, Plaintiff requests that this Court DENY all relief requested in Defendant's request for Relief in paragraphs (a) – (i) of Defendant's Counterclaims. Moreover, Plaintiff requests that this Court award Plaintiff its costs and attorneys' fees for defending Defendant's asserted Counterclaims.



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Dated: September 5, 2007

CERTIFICATE OF SERVICE

I, Adam W. Poff, hereby certify that on September 5, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on September 5, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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